

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE COMMERCIAL RAISING OF SWINE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (JOHN W. HARRIS, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE COMMERCIAL RAISING OF SWINE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (JOHN W. HARRIS, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE COMMERCIAL RAISING OF SWINE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (JOHN W. HARRIS, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #2, Morris)

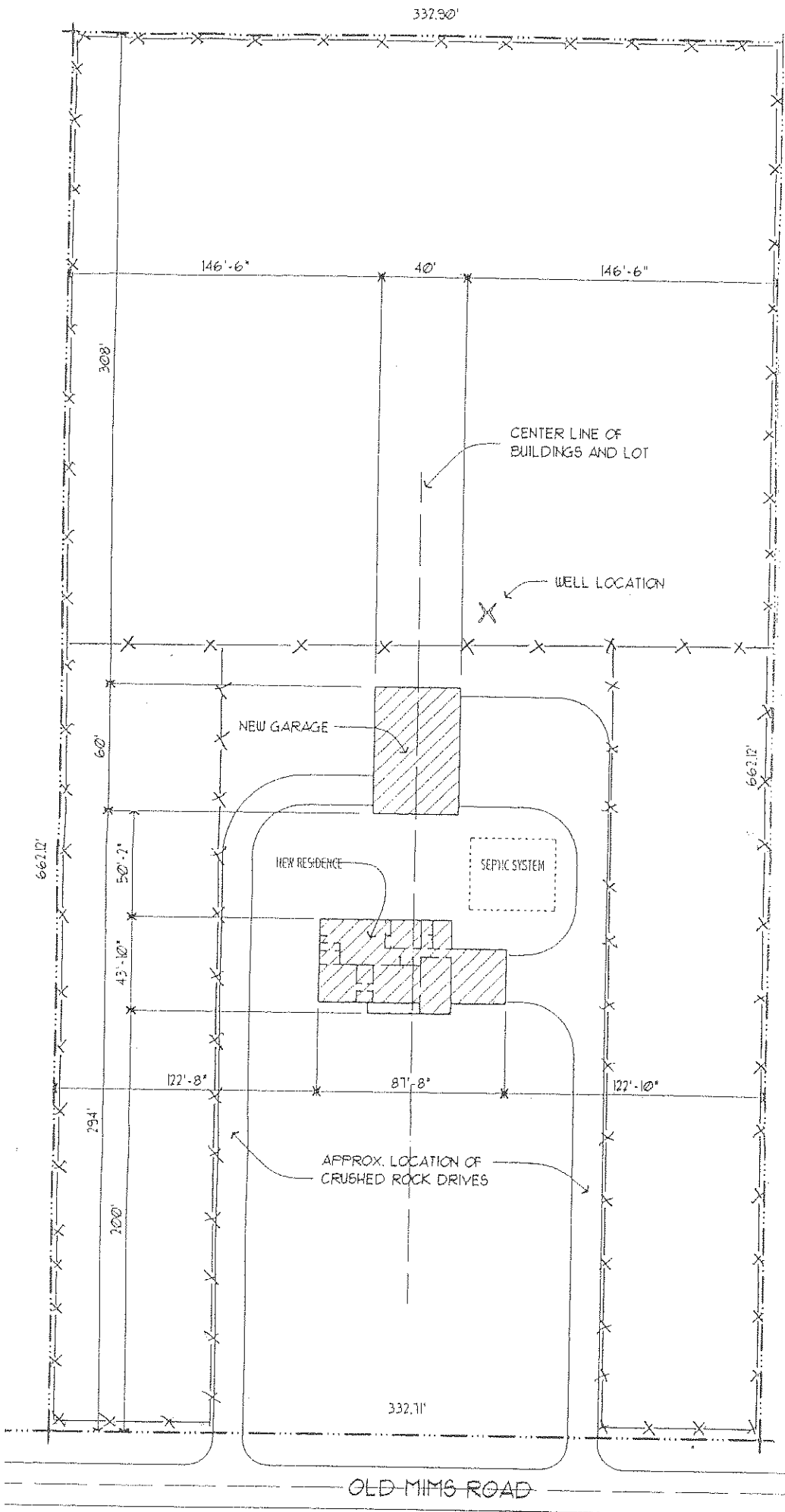
(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	JOHN W. HARRIS 350 OLD MIMS ROAD GENEVA, FL 32732	A-5 DISTRICT, LDC SECTION 30.104(b)(12)(COMMERCIAL RAISING OF SWINE)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT CURRENTLY RAISES SWINE FOR NON-COMMERCIAL PURPOSES; CURRENTLY, THERE ARE 2 HOGS HOUSED ON THE SUBJECT PROPERTY IN AN ELECTRIC FENCE ENCLOSURE. • THE APPLICANT PROPOSES TO INCREASE THE SCALE OF THE EXISTING SWINE OPERATION TO 7 HOGS AND SELL THE SAME AT A LOCATION OTHER THAN THE SUBJECT PROPERTY. • THE PROPERTY IS LOCATED IN THE A-5 DISTRICT, WHICH ALLOWS LIVESTOCK PRODUCTION, INCLUDING SWINE RAISING, FOR FAMILY USE ONLY; BECAUSE THE APPLICANT WOULD LIKE TO SELL SWINE, A SPECIAL EXCEPTION IS REQUIRED. 	

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-5	RURAL-5	SINGLE-FAMILY
	NORTH	A-5	RURAL-5	SINGLE-FAMILY
	SOUTH	A-5	RURAL-5	ORANGE GROVES
	EAST	A-5	RURAL-5	VACANT & SINGLE-FAMILY
	WEST	A-5	RURAL-5	SINGLE-FAMILY
STAFF FINDINGS	<ul style="list-style-type: none"> • THE PROPERTY IS SERVED BY EXISTING ON-SITE WELL AND SEPTIC SYSTEMS. • THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN ON THE PROPERTY. • THE APPLICANT CURRENTLY MAINTAINS A TOTAL OF 2 HOGS IN AN ELECTRIC FENCE ENCLOSURE, APPROXIMATELY 2.22 ACRES IN SIZE (322.9 FT X 300 FT) TO THE REAR OF THE SUBJECT PROPERTY; WITHIN THIS AREA, THERE IS ALSO AN ENCLOSED FEEDING STATION, WHICH PROVIDES FEED, DRINKING WATER & SHELTER. • THE REQUEST PROPOSES A TOTAL OF 7 ADULT HOGS, INCLUDING 1 BOAR (MALE) AND 6 SOWS (FEMALES), AND UP TO 40 PIGS (JUVENILES). • THE ADULT HOGS WOULD BE KEPT IN THE EXISTING ELECTRIC FENCE ENCLOSURE, AND OFFSPRING WOULD BE CONFINED TO THE FEEDING STATION FOR NO MORE THAN 2 WEEKS FOLLOWING THEIR BIRTH; THE APPLICANT ALSO INTENDS TO ENCLOSE 2 ADDITIONAL AREAS, APPROXIMATELY 0.61 ACRES (74.53 FT X 354.12 FT) EACH, IN THE SIDE YARDS OF THE SUBJECT PROPERTY. • NO SALES WOULD OCCUR ON THE PROPERTY; THE APPLICANT INTENDS TO TRANSPORT THE HOGS BY TRUCK TO AN OFF-SITE MARKET AND/OR CUSTOMERS. • NO ADDITIONAL STRUCTURES, FACILITIES OR IMPROVEMENTS ARE PROPOSED FOR THE SITE. • THE TOPOGRAPHY OF THE SUBJECT PROPERTY IS RELATIVELY FLAT (LESS THAN 5 FT BETWEEN THE SOUTHERN & NORTHERN BOUNDARIES); STAFF BELIEVES THE PROBABILITY OF RUN-OFF TO SURROUNDING PROPERTIES COULD BE MINIMIZED WITH THE INSTALLATION OF AN ENVIRONMENTAL BERM ALONG THE EDGES OF THE PROPERTY. • STAFF HAS CONTACTED THE SEMINOLE COUNTY COOPERATIVE EXTENSION OFFICE AND DETERMINED THAT AN AREA 2.22 ACRES IN SIZE COULD REASONABLY SUPPORT THE PROPOSED NUMBER OF SWINE (7 HOGS) WITH THE APPLICATION OF BEST MANAGEMENT PRACTICES. • THE RAISING OF LIVESTOCK, INCLUDING SWINE, FOR 			

	<p>THE IMMEDIATE USE OF FAMILIES IS A PERMITTED USE IN THE A-5 DISTRICT.</p> <ul style="list-style-type: none">• THE COMMERCIAL NATURE OF THIS REQUEST IS THE PURPOSE FOR WHICH THE SPECIAL EXCEPTION IS REQUESTED. GIVEN THE APPLICANT'S INTENTION TO EXPAND THE CURRENT SWINE OPERATION, STAFF BELIVES THE PROPOSED USE:<ul style="list-style-type: none">○ WOULD BE COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY RURAL LAND USE & CONSISTENT WITH THE RURAL ZONING PLAN OF THE A-5 DISTRICT;○ WOULD NOT BE DETRIMENTAL TO NEIGHBORHOOD CHARACTER WITH THE IMPOSITION OF REASONABLE CONDITIONS SUCH AS LIMITS ON THE INTENSITY OF USE;○ WOULD BE SLIGHTLY GREATER IN INTENSITY THAN SURROUNDING DEVELOPMENT, WHICH ALSO INCLUDES LIVESTOCK;○ WOULD NOT ADVERSELY IMPACT TRAFFIC VOLUMES BEYOND THE SERVICE DEMAND OF THE EXISTING SINGLE-FAMILY HOME, SINCE THERE WOULD BE NO SALES AT THIS LOCATION TO INCREASE TRAFFIC VOLUME; AND○ WOULD THEREFORE BE CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• BASED ON THE ABOVE FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST FOR SPECIAL EXCEPTION WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ NO MORE THAN A TOTAL OF 7 ADULT HOGS SHALL BE MAINTAINED ON THE SUBJECT PROPERTY AT ANY GIVEN TIME;○ ALL SWINE RAISING ACTIVITY SHALL BE LIMITED TO THE EXISTING FENCED AREA TO THE REAR OF THE SUBJECT PROPERTY;○ AN ENVIRONMENTAL BERM, AT LEAST ONE (1) FT IN HEIGHT, SHALL BE ERECTED ALONG THE WESTERN, NORTHERN AND EASTERN BOUNDARIES OF THE EXISTING FENCE ENCLOSURE TO ENSURE THAT SURROUNDING PROPERTIES WILL NOT BE IMPACTED BY RUN-OFF;○ THE PROPOSED USE SHALL COMPLY WITH BEST MANAGEMENT PRACTICES FOR ANIMAL SHELTERING, FEEDING AND WASTE DISPOSAL;○ NO ADDITIONAL IMPROVEMENTS ASSOCIATED WITH THE PROPOSED USE, INCLUDING STRUCTURES AND FACILITIES SHALL BE ALLOWED WITHOUT AN AMENDMENT TO THE SPECIAL EXCEPTION GRANTED;○ NEITHER THE SALE NOR SLAUGHTERING OF SWINE SHALL BE PERMITTED ON THE SUBJECT PROPERTY;○ ANIMALS SHALL NOT FORM A WALLOWING AREA THAT

	<p>CREATES OBJECTIONABLE ODORS OR AN ENVIRONMENT WHERE FLIES AND OTHER VERMIN MAY BREED;</p> <ul style="list-style-type: none">○ THE PROPOSED USE SHALL BE OPERATED SO AS TO PREVENT THE EMISSION OF OBJECTIONABLE OR OFFENSIVE ODORS IN SUCH CONCENTRATION AS TO BE READILY PERCEPTIBLE AT ANY POINT AT OR BEYOND THE LOT LINE OF THE SUBJECT PROPERTY;○ THE PROPOSED USE SHALL OTHERWISE BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.
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MARCH 31, 2003

NATURE OF PROPOSED
USE:

SPECIAL EXCEPTION
TO RAISE AND
SELL Pigs.

OWNER'S NAME:

JOHN W. HARRIS
350 OLD MIMS RD
GENEVA, FL 32732
PHONE: 407-349-0824
CELL: 407-948-2638

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 19, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 27 TWP 20S RGE 32E N 662.12 FT OF S 687.12 FT OF E ½
OF W ½ OF SE ¼ OF SW ¼

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: JOHN W. & LOUISE C. HARRIS
350 OLD MIMS ROAD
GENEVA, FL 32732

Project Name: 350 OLD MIMS ROAD

Requested Development Approval:

1. SPECIAL EXCEPTION TO ALLOW THE COMMERCIAL RAISING OF SWINE AT 350 OLD MIMS ROAD, AS DEPICTED IN THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. No more than a total of 7 adult hogs shall be maintained on the subject property at any given time;
2. All swine raising activity shall be limited to the existing fenced area to the rear of the subject property;
3. An environmental berm, at least one (1) ft in height, shall be erected along the western, northern and eastern boundaries of the existing fence enclosure to ensure that surrounding properties will not be impacted by run-off;
4. The proposed use shall comply with best management practices for animal sheltering, feeding and waste disposal;
5. No additional improvements associated with the proposed use, including structures and facilities shall be allowed without an amendment to the special exception granted;
6. Neither the sale nor slaughtering of swine shall be permitted on the subject property;
7. Animals shall not form a wallowing area that creates objectionable odors or an environment where flies and other vermin may breed;
8. The proposed use shall be operated so as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the subject property;
9. The proposed use shall otherwise be in conformity with the Seminole County Comprehensive Plan and Land Development Code.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said

property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

FILE #

BS2003-011

DEVELOPMENT ORDER # 03-32000017

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, John W. & Louise C. Harris, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

John W. Harris,
Property Owner

Witness

Louise C. Harris,
Property Owner

STATE OF FLORIDA)

)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

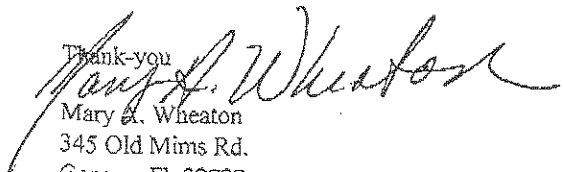
My Commission Expires:

May 12, 2003

To Seminole County Planning:

"NO" I do not want Mr. John Harris at 350 Old Mims Rd. raising of swine. I do not want to smell this nastiness of raising these swine's. Further more Mr. Harris has just moved into the area for about one year or more and I have lived here for 12 years going on 13 years. And I don't want that mess down the road from me. And I don't want my property value going down and I don't want the disease that this will bring. And we don't want commercial selling around here, this agriculture land.

Thank-you


Mary A. Wheaton
345 Old Mims Rd.
Geneva, Fl. 32732

Wendy & Leon Reed
805 Scott Rd
Geneva, IL 32732

To Whom it May Concern:

We will be out of town for the planning board meeting on 5/19/03 when the exception for John Harris, 350 Old Mums Rd will be discussed.

We are against swine being commercially raised on this connecting property to ours. Why would someone assume that moving between 6 adjoining residential properties and then wanting to start a pig farm, would be okay?

Pig farms smell, they're noisy and will reduce our properties values. Their profit will be at least 6 homeowners losses.

Please do not allow this zoning change for Mr. Harris.

Sincerely,
Wendy & Leon L Reed

RECEIVED

MAY 13 2003

Jon D. Zern, DVM
780 Scott Road
Geneva, FL 32732
407-349-2802

May 8, 2003

Seminole County Planning Division
1101 East First Street
Room 1101
Sanford, FL 32771

To whom it may concern:

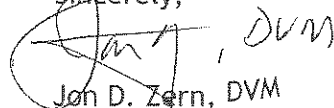
This letter is in reference to John W. Harris at 350 Old Mims Road applying for a special variance to allow the commercial raising of swine approximately 0.51 miles from North CR 426 (BS2003-011). Since I am a critical care veterinarian and work evenings at the Veterinary Emergency Clinic I will be unable to attend the meeting scheduled on May 19, 2003.

Although it is difficult to deny someone the right to do with their land as they choose, I feel it is both inappropriate and inconsiderate for this individual to choose to raise swine at this particular location. Having worked with swine in Veterinary School I already know there will be odor and noise factors. If anyone has ever heard a pig squeal when it is stressed or aggravated you know that they can be deafening. I suggest that if Mr. Harris wishes to raise swine he should do so in a location that is more rural and has more than five acres surrounding him to act as a barrier/buffer for his neighbors.

My family and I will have to vote against Mr. Harris raising commercial swine at 350 Old Mims Road.

Thank you for consideration in this matter.

Sincerely,

 DVM
Jon D. Zern, DVM